

LEGISLATURE OF NEBRASKA
NINETY-SEVENTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 250
FINAL READING

Introduced by Schimek, 27

Read first time January 5, 2001

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to public meetings; to amend sections 18-2438
2 and 84-1412, Reissue Revised Statutes of Nebraska; to
3 change provisions relating to meetings outside Nebraska;
4 to harmonize provisions; and to repeal the original
5 sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 18-2438, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 18-2438. The board of an agency may create an executive
4 committee the composition of which shall be set forth in the bylaws
5 of the agency. The executive committee shall have and exercise the
6 power and authority of the board during intervals between the
7 board's meetings in accordance with the board's bylaws, rules,
8 motions, or resolutions. The terms of office of the members of the
9 executive committee and the method of filling vacancies shall be
10 fixed by the bylaws of the agency. The board may also create one
11 or more committees to which the board may delegate such powers and
12 duties as the board shall specify. In no event shall any committee
13 be empowered to authorize the issuance of bonds. The membership
14 and voting requirements for action by a committee shall be
15 specified by the board. An agency which contracts with
16 municipalities outside the State of Nebraska may hold meetings of
17 ~~any committee~~ outside the State of Nebraska if such meetings are
18 held only in such contracting municipalities. ~~Final action on any~~
19 ~~agenda item shall only be taken by the agency at a meeting in the~~
20 ~~State of Nebraska, which meeting shall fully comply with sections~~
21 ~~84-1408 to 84-1414.~~

22 Sec. 2. Section 84-1412, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 84-1412. (1) Subject to sections 79-317, 84-1408 to
25 84-1414, and 85-104, the public shall have the right to attend and
26 the right to speak at meetings of public bodies, and all or any
27 part of a meeting of a public body, except for closed sessions
28 called pursuant to section 84-1410, may be videotaped, televised,

1 photographed, broadcast, or recorded by any person in attendance by
2 means of a tape recorder, camera, video equipment, or any other
3 means of pictorial or sonic reproduction or in writing.

4 (2) It shall not be a violation of subsection (1) of this
5 section for any public body to make and enforce reasonable rules
6 and regulations regarding the conduct of persons attending,
7 speaking at, videotaping, televising, photographing, broadcasting,
8 or recording its meetings. A body may not be required to allow
9 citizens to speak at each meeting, but it may not forbid public
10 participation at all meetings.

11 (3) No public body shall require members of the public to
12 identify themselves as a condition for admission to the meeting.
13 The body may require any member of the public desiring to address
14 the body to identify himself or herself.

15 (4) No public body shall, for the purpose of
16 circumventing sections 84-1408 to 84-1414, hold a meeting in a
17 place known by the body to be too small to accommodate the
18 anticipated audience.

19 (5) No public body shall be deemed in violation of this
20 section if it holds its meeting in its traditional meeting place
21 which is located in this state. ~~Except as provided in section~~
22 ~~18-2438, no public body shall hold a meeting outside the State of~~
23 ~~Nebraska.~~

24 (6) No public body shall be deemed in violation of this
25 section if it holds a meeting outside of this state if, but only
26 if:

27 (a) A member entity of the public body is located outside
28 of this state and the meeting is in that member's jurisdiction;

1 (b) All out-of-state locations identified in the notice
2 are located within public buildings used by members of the entity
3 or at a place which will accommodate the anticipated audience;

4 (c) Reasonable arrangements are made to accommodate the
5 public's right to attend, hear, and speak at the meeting, including
6 making a telephone conference call available at an instate location
7 to members, the public, or the press, if requested twenty-four
8 hours in advance;

9 (d) No more than twenty-five percent of the public body's
10 meetings in a calendar year are held out-of-state;

11 (e) Out-of-state meetings are not used to circumvent any
12 of the public government purposes established in sections 84-1408
13 to 84-1414;

14 (f) Reasonable arrangements are made to provide viewing
15 at other instate locations for a videoconference meeting if
16 requested fourteen days in advance and if economically and
17 reasonably available in the area; and

18 (g) The public body publishes notice of the out-of-state
19 meeting at least twenty-one days before the date of the meeting in
20 a legal newspaper of statewide circulation.

21 ~~(7) (5)~~ The public body shall, upon request, make a
22 reasonable effort to accommodate the public's right to hear the
23 discussion and testimony presented at the meeting.

24 ~~(8) (6)~~ Public bodies shall make available at the meeting
25 or the instate location for a telephone conference call or
26 videoconference, for examination and copying by members of the
27 public, at least one copy of all reproducible written material to
28 be discussed at an open meeting.

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1 Sec. 3. Original sections 18-2438 and 84-1412, Reissue
2 Revised Statutes of Nebraska, are repealed.